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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/936,708	09/24/1997	JEFFREY M. CLAAR	080398.P109	1031

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EXAMINER

GRIER, LAURA A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

08/936,708

Examiner

Laura A. Grier

Applicant(s)

CLAAR ET AL.

Art Unit

2644

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 04 April 2005 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The amendment will not be enter because of the following: In respect to the previous Advisory Action dated 12/1/04, recited claims 23 and 30, as amended changes the scope of the invention. However, the Advisory Action should have indicated claims 25 and 30 as amended changes the scope of the invention and thus further search and consideration is required. The indication of claim 23 in the previous Avisory Action dated 12/1/04 was a typographical error. The change of claim 23 was only a change of punctuation not the text of the claim limitation. Thus, the claim 25 provided in the current amendment dated 4/4/05 still provides the amended claim language of amendment dated 11/11/04, which changes the scope of the invention, requiring further search and consideration.

Laura A Grier
5/15/05